

§ 2608.401

(e) *Certification (authentication) of copies of records.* The Office of Government Ethics may certify that records are true copies in order to facilitate their use as evidence. If you seek certification, you must request certified copies from OGE at least 45 days before the date they will be needed. The request should be sent to the General Counsel. You will be charged a certification fee of \$15.00 for each document certified.

(f) *Waiver or reduction of fees.* The General Counsel, in his or her sole discretion, may, upon a showing of reasonable cause, waive or reduce any fees in connection with the testimony, production, or certification of records.

(g) *De minimis fees.* Fees will not be assessed if the total charge would be \$10.00 or less.

Subpart D—Penalties

§ 2608.401 Penalties.

(a) An employee who discloses official records or information or gives testimony relating to official information, except as expressly authorized by OGE or as ordered by a Federal court after OGE has had the opportunity to be heard, may face the penalties provided in 18 U.S.C. 641 and other applicable laws. Additionally, former OGE employees are subject to the restrictions and penalties of 18 U.S.C. 207 and 216.

(b) A current OGE employee who testifies or produces official records and information in violation of this part shall be subject to disciplinary action.

PART 2610—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT

Subpart A—General Provisions

Sec.

- 2610.101 Definitions.
- 2610.102 Purpose.
- 2610.103 When the Act applies.
- 2610.104 Proceedings covered.
- 2610.105 Eligibility of applicants.
- 2610.106 Standards for awards.
- 2610.107 Allowable fees and expenses.
- 2610.108 Rulemaking on maximum rate for attorney and agent fees.
- 2610.109 Awards against other agencies.

5 CFR Ch. XVI (1–1–04 Edition)

Subpart B—Information Required From Applicants

- 2610.201 Contents of application.
- 2610.202 Net worth exhibit.
- 2610.203 Documentation of fees and expenses.
- 2610.204 When an application may be filed.

Subpart C—Procedures for Considering Applications

- 2610.301 Jurisdiction of adjudicative officer.
- 2610.302 Filing and service of documents.
- 2610.303 Answer to application.
- 2610.304 Reply.
- 2610.305 Comments by other parties.
- 2610.306 Settlement.
- 2610.307 Further proceedings.
- 2610.308 Decision.
- 2610.309 Agency review.
- 2610.310 Judicial review.
- 2610.311 Payment of award.

AUTHORITY: 5 U.S.C. 504(c)(1); 5 U.S.C. App. (Ethics in Government Act of 1978).

SOURCE: 57 FR 33268, July 28, 1992, unless otherwise noted.

Subpart A—General Provisions

§ 2610.101 Definitions.

(a) *Act* means the Equal Access to Justice Act, 5 U.S.C. 504, as amended.

(b) *Adjudicative officer* means the official, without regard to whether the official is designated as a hearing examiner, administrative law judge, administrative judge, or otherwise, who presided at the adversary adjudication.

(c) *Adversary adjudication* means:

(1) An adjudication under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise, but not including an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license; and

(2) An appeal of a decision of a contracting officer made pursuant to section 6 of the Contracts Disputes Act of 1978 (41 U.S.C. 605) as provided in section 8 of that statute (41 U.S.C. 607).

(d) *Agency counsel* means:

(1) When the position of the Office is being represented, the attorney or attorneys designated by the Office's General Counsel to represent the Office in a proceeding covered by this part; and

(2) When the position of another agency of the United States is being